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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/035,315	01/04/2002	Wei Kuang Teng	BHT-3092-258	1997
40144 7590 04/09/2007 TROXELL LAW OFFICE PLLC 5205 LEESBURG PIKE, SUITE 1404 FALLS CHURCH, VA 22041			EXAMINER SHIFERAW, ELENI A	
			ART UNIT 2136	PAPER NUMBER
			MAIL DATE 04/09/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No.	Applicant(s)	
	10/035,315	TENG, WEI KUANG	
	Examiner	Art Unit	
	Eleni A. Shiferaw	2136	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 14 March 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____
Claim(s) objected to: _____
Claim(s) rejected: 1, 2 and 4-6.
Claim(s) withdrawn from consideration: 3 and 7-8.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____

Continuation of 11. does NOT place the application in condition for allowance because: The amendment is not going to be entered because it would require further searching and consideration. It would require further searching and consideration because applicant on June 21, 2006 remark, when he amends/changes "a disk drive" to "a platter of disk drive", has agreed that the "a disc drive" is different from "a platter of a disc drive" on page 5-8 and the office had pushed to withdraw the Robb et al. reference that teaches a hard disk drive 1 having one or more platters 2 mounted on spindle motor drive mechanism located on a printed circuit board assembly 3 (PCBA), as applicant agreed on 06/21/2006 page 5-6, and applicant was provided 112 rejection mentioning that amendment to the specification and to the claims will be new matter and failure to comply with the written description requirement (see Office action mailed, on 08/24/2006 pages 2-3 and 01/31/2007 pages 2-3). Moreover applicant is provided a new office action to comply with the amended/changed subject matter "a platter of a disc". Therefore changing it back again and/or amending it would require further searching and consideration. Regarding arguments reference Bensimon failure to disclose "a user zone configured to allow a user to execute all ATA commands" as recited in claim 1, remark page 5 lines 20-22, argument is not persuasive because Bensimon discloses "In a preferred embodiment the device 100 is a pc card in accordance with the PCMCIA standard. More specifically, a PCMCIA-ATA card is defined. ATA represents AT-attachable, wherein AT is a trademark of International Business Machines Corporation. PCMCIA devices (other than simple memory cards) communicate with a host computer system via a high level set of commands. For PCMCIA-ATA files, these commands are similar to those employed by more traditional fixed disks. In accordance with the invention, a new ATA and PCMCIA-ATA compatible command called "Password" is defined. For storage devices, the invention is preferably implemented within the file specific command structure in order to maintain compatibility across systems, whether they contain removable files or not. The Password command takes three forms: (1) Password-Enable; (2) Password-Send; and (3) Password-Disable." (see col. 5 lines 16-31) Nevertheless, applicant's argument regarding highlighted word "all" wherein "...all ATA commands..." is a broad and/or vague term and where is the boundary? and/or what other ATA commands? are included?

Regarding argument Bensimon failure to disclose the passwords are assigned to separate zones on the hard drive, much less a ROM zone or a protect zone, remark page 5 lines 22-28, argument is not persuasive because Bensimon discloses two classes of passwords. I.e. one for write protection (read-only) and another for read/write protection. In the case of write protection passwords, the device 100 is fully operational, with the exception that any write or format operations are disabled. In the read/write protection mode, the device 100 is rendered useless to those without knowledge of the password (see col. 6 lines 13-23).

Regarding Yamato et al. failure to teach partitioning a disk drive into a user zone in combination with a protect zone and/or ROM zone and a method of data security with lock in a hard disk and solid state disk, remark page 5 last paragraph-page 6 par. 2, argument is not persuasive because of arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Nevertheless, Luu et al. cited on page 3 for partitioning a disc drive into a user zone in combination with a protect zone and/or a ROM zone. And Luu et al. and Bensimon et al. are cited for teaching the data security of lock in a hard disk and a solid state disk (last office action page 5 par. 3). Moreover discloses, as cited in OA page 5, the method of data security with lock in a hard disk in a solid state disk and compares LBA_max and register indexes and disk storage are partitioned into different zone sizes as well (see col. 12 lines 54-col. 13 lines 15).

Regarding argument the motivation not suggesting claim 1, and not having the slightest suggestion in either Luu et al., Bensimon et al., or Yamamoto et al. that their respective teachings may be combined as suggested by the Examiner, argument is not persuasive. Firstly, the Examiner has provided sufficient motivation to combine all references in the last OA pages 4 and 5-6. Secondly, the rationale to combine the prior art does not have to be expressly stated in the prior art and it may be reasoned from knowledge generally available to one ordinary skill in the art. See MPEP 2144.

"RATIONALE MAY BE IN A REFERENCE, OR REASONED FROM COMMON KNOWLEDGE IN THE ART, SCIENTIFIC PRINCIPLES, ARTRECOGNIZED EQUIVALENTS, OR LEGAL PRECEDENT

The rationale to modify or combine the prior art does not have to be expressly stated in the prior art; the rationale may be expressly or impliedly contained in the prior art or it may be reasoned from knowledge generally available to one of ordinary skill in the art, established scientific principles, or legal precedent established by prior case law. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). See also *In re Kotzab*, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000) (setting forth test for implicit teachings); *In re Eli Lilly & Co.*, 902 F.2d 943, 14 USPQ2d 1741 (Fed. Cir. 1990) (discussion of reliance on legal precedent); *In re Nilssen*, 851 F.2d 1401, 1403, 7 USPQ2d 1500, 1502 (Fed. Cir. 1988) (references do not have to explicitly suggest combining teachings); *Ex parte Clapp*, 227 USPQ 972 (Bd. Pat. App. & Inter. 1985) (examiner must present convincing line of reasoning supporting rejection); and *Ex parte Levengood*, 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993) (reliance on logic and sound scientific reasoning).

THE EXPECTATION OF SOME ADVANTAGE IS THE STRONGEST RATIONALE FOR COMBINING REFERENCES

The strongest rationale for combining references is a recognition, expressly or impliedly in the prior art or drawn from a convincing line of reasoning based on established scientific principles or legal precedent, that some advantage or expected beneficial result would have been produced by their combination. *In re Sernaker*, 702 F.2d 989, 994-95, 217 USPQ 1, 5-6 (Fed. Cir. 1983)." Therefore all claims maintained rejected..

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[Signature]
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